

JANUARY 13, 2022 MEETING MINUTES REGISTRY OF ELECTION FINANCE

The Registry of Election Finance (“the Registry” or “the Board”) of the Bureau of Ethics and Campaign Finance (“the Bureau”) met at 10:00 AM on Thursday, January 13, 2022 at the W.R. Snodgrass Tower, 312 Rosa L. Parks Ave., Nashville, in the Nashville Room of the 3rd Floor Conference Center.

Presiding over the meeting was Chairwoman Paige Burcham-Dennis. Attending the meeting were Board Members Tom Lawless, Tom Morton, Paz Haynes, David Golden and Henry Fincher. Members Golden and Fincher participated remotely by phone. Executive Director Bill Young, Assistant Director Lance Frizzell, General Counsel Lauren Topping, Chief of Staff Janet Williams, and Director of Audit Jay Moeck also attended the meeting. The meeting was open to the public. This meeting was recorded via video and audio recording.

Member Lawless moved to suspend the rules to allow two members of the Board to participate by telephone. The motion was seconded and approved by a voice vote. A physical quorum of the members present at the meeting was confirmed.

Approval of Meeting Minutes

Member Lawless moved to approve the meeting minutes of the Registry’s previous November 4, 2021 meeting as presented. The motion was seconded by Member Golden and approved by voice vote.

Audit

Faith Family Freedom Fund, Case No. 20-07: Member Lawless made a motion to allow a witness, Sydney Friedopfer, to participate via telephone. The motion was seconded and approved by voice vote. Sydney Friedopfer participated in the meeting by phone and confirmed her understanding that her testimony would be considered to be under oath despite her participation by phone. Counsel Lauren Topping presented a summary of the status of the case.

Ms. Friedopfer testified that she had opened the political campaign committee (PAC) on behalf of her friend, Cade Cothren. Ms. Friedopfer stated that after she opened the PAC and then turned over all information regarding the PAC to Mr. Cothren. Ms. Friedopfer stated that she was not involved in the activities of the PAC and that she had no knowledge of its expenditures, filings, or activities. Ms. Friedopfer stated that, to the best

of her knowledge, she did not participate or sign to open any banking accounts or authorize any banking transactions on behalf of the PAC. She confirmed that, if such records exist, she has no objection to those documents being released to the Registry. Ms. Friedopfer stated that she did not correspond with the Registry at any time prior to approximately early December 2021 when Counsel reached out to her by phone. Ms. Friedopfer testified that she spoke with Mr. Cothren in approximately early December, at which time he advised her that the Registry had no authority over her personally and that she did not need to cooperate with the Registry. Ms. Friedopfer stated that she had no knowledge of an email address (faithfamilyfreedomtn@gmail.com) operated by the PAC and has never corresponded with the Registry via this email address. Ms. Friedopfer testified that she was not aware of any other individuals involved with the PAC's activities, including Brandon Crawford.

Member Lawless moved to accept the audit as presented. The motion was seconded and approved by voice vote. Member Lawless moved to reopen the audit for further investigation. Member Golden seconded the motion, which was approved by voice vote.

After further discussion, Member Fincher moved to issue a subpoena to appear before the Registry and a subpoena duces tecum to Cade Cothren. The motion was seconded by Member Lawless and approved by a roll call vote.

The members discussed the need to schedule a special meeting in the future to address any records received. The Registry directed that Counsel send a spoliation letter to Mr. Cothren, Ms. Friedopfer, Representative Glen Casada, Mr. Brandon Crawford, Representative Charlie Baum, Representative Scott Warner, Mr. Rick Tillis, Ms. Carole Simpson and "to anyone with involvement" with the PAC. After further discussion, Member Lawless moved to issue a subpoena duces tecum, requesting all records, including ESI, created by, in the possession of, and exchanged by and between the following individuals relating to the PAC: Representative Glen Casada, Mr. Brandon Crawford, Representative Charlie Baum, Representative Scott Warner, Mr. Rick Tillis, and Ms. Carole Simpson. Member Fincher seconded the motion. The motion was unanimously approved by a roll call vote.

Sworn Complaint

Jonathan Hall, Case No. C21-04: Member Haynes disclosed a conflict and notified the Registry members that he would be abstaining from any discussion and/or vote on this matter. Counsel provided a summary of the procedural history of this matter and notified the Registry that Mr. Hall had not engaged on this matter in any way, with either the Davidson County District Attorney's Office or Counsel for the Registry.

Davidson County Assistant District Attorney Brian Ewald appeared before the Registry and summarized his investigation of this matter. Mr. Ewald confirmed that he had received no cooperation or response from Mr. Hall during the course of his investigation of this matter, despite numerous attempts, including attempts to hand deliver the requests for information to Mr. Hall at his address.

After additional discussion, Member Lawless moved to assess the maximum possible penalty of \$360,000 based on 36 identified violations in the show cause notice. Member Morton seconded the motion. Member Golden emphasized that the Registry's actions were based upon allegations of numerous egregious violations, combined with a failure to communicate in any way with the Registry to address these matters, which justifies the imposition of a maximum possible civil penalty. Chairwoman Burcham-Dennis emphasized that it was Mr. Hall's "blatant disregard" for the Registry that justifies the action in this case. The motion was unanimously approved by roll call vote (Member Haynes abstains).

Chairwoman Burcham-Dennis requested to suspend the rules to allow certain matters to be addressed out of order, due to the need for representatives personally attending the meeting to make afternoon flights. Member Lawless moved to suspend the rules and Member Golden seconded the motion. The motion was unanimously approved by voice vote. *(Although some items on the agenda were taken out of order, these minutes will continue to reflect the scheduled order of events according to the published agenda.)*

Discussion of amended settlement proposal regarding Rick Staples, Case No. 20-32

Rick Staples, Case No. 20-32: Attorney Isaac Conner, of Manson Johnson Conner, PLLC, appeared on behalf of former State Representative Rick Staples. Counsel provided a summary of the procedural history of this case and the matter before the Registry for consideration. Mr. Conner made a statement on behalf of Mr. Staples and requested that Mr. Staples be allowed 90 days to submit payment of the settlement amount. After much discussion, Member Lawless moved to accept the proposed settlement of \$12,000 if the settlement amount were paid by February 14, 2022. Member Haynes seconded the motion. However, the motion failed during a roll call vote (3-3). After additional discussion amongst the members and with Mr. Conner, which clarified that, despite the agreed time frame for any settlement agreed to at this meeting, Mr. Staples would be required to submit the settlement amount prior to the applicable qualifying deadline in order to be eligible to run for office in the next election, Member Fincher moved to accept the proposed settlement of \$12,000 if the settlement amount

was paid by February 28, 2022. The motion was seconded by Member Golden and approved by a roll call vote (5-1).

Discussion of Registry Collection Bill

Member Lawless requested that this item be deferred to the Registry's next scheduled meeting. Without objection, this matter was deferred, and no additional discussion or action occurred.

Update on Durham Litigation

Counsel provided a brief update to the Registry relating to ongoing litigation regarding former State Representative Jeremy Durham. Counsel advised that Mr. Durham had submitted a Notice of Intent to Appeal, on his own behalf, to the Tennessee Court of Appeals relating to Case No. C17-01 (APD 38.01-146547J/Chancery 20-0877-II).

Update on request for email confirmation for filing of campaign financial disclosure reports

Assistant Director Frizzell advised that IT had now rolled out a feature to provide a confirmation email to campaign finance report filers after the successful submission of a campaign finance report. The Registry will also receive a report indicating who has filed. The members asked several questions regarding how this function would work, and ultimately it was noted that the Registry's website would make clear that a confirmation email should be expected and that it should be recommended that filers retain copies of their confirmation emails to verify successful filings. No further action was taken.

Update on educational outreach

Executive Director Young provided an update on the Staff's continuing efforts at providing education to outside stakeholders, including upcoming training seminars for the General Assembly and executive employees.

Review of Audit

Scott McCormick: Chairwoman Burcham-Dennis moved to accept and approve the audit report and to issue a show cause notice to Mr. McCormick. Member Lawless seconded the motion. Mr. Moeck summarized the audit procedures, as well as discussions with Mr. McCormick and Mr. McCormick's cooperation with the audit. After additional discussion, the motion was unanimously approved by roll call vote.

Show Cause Hearing:

Conservation Action PAC, Case No. 21-66: Counsel summarized the facts of this matter. A statement was submitted in advance of the Registry's meeting. No representative appeared on behalf of the PAC. After discussion of this matter and the PAC's history of numerous late filings, Member Morton moved to assess a civil penalty of \$1000. The motion was seconded by Chairwoman Burcham-Dennis and unanimously approved by roll call vote.

Reconsiderations

Adrienne Dailey-Evans (Shelby County), Case No. 21-43: Counsel summarized the facts of this matter and the procedural history of the request for reconsideration. Ms. Dailey-Evans appeared before the Registry and provided testimony regarding this matter. Member Lawless moved to reconsider the civil penalty assessed in this matter. Member Haynes seconded the motion, which was unanimously approved by roll call vote. After discussion among the members, Member Haynes moved to waive the assessed civil penalty. Member Lawless seconded the motion, which was unanimously approved by roll call vote.

Roderick Motley, Case No. 21-46: Counsel summarized the facts of this matter and the procedural history of the request for reconsideration. Although Mr. Motley had requested to personally appear and submitted a sworn statement regarding this matter, he was ultimately unable to attend. After discussion, Member Haynes moved to reconsider the civil penalty assessed in this matter. Member Golden seconded the motion, which was unanimously approved by roll call vote. After discussion among the members, Member Lawless moved to reduce the assessed civil penalty to \$250 to cover costs associated with this matter. After additional discussion, the motion was amended to reduce the assessed civil penalty to \$175 to cover costs associated with this matter. Member Haynes seconded the motion, which was unanimously approved by roll call vote.

Kristy Sullivan (Shelby County), Case No. 21-50: Counsel summarized the facts of this matter and the procedural history of the request for reconsideration. Member Fincher moved to reconsider the civil penalty assessed in this matter. Member Haynes seconded the motion, which was approved by roll call vote (5-1). After discussion among the members, Member Lawless moved to reduce the assessed civil penalty from \$10,000 to \$4500. Member Morton seconded the motion; however, after additional discussion, this motion was withdrawn. Member Morton moved to reduce the assessed civil penalty from \$10,000 to \$1,500. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

D&S Political Action Committee, Case No. 21-54: Counsel summarized the facts of this matter and the procedural history of the request for reconsideration. Attorney Parker Conover of Godfrey & Kahn, S.C., counsel for The Mentor Network, which purchased D&S Residential Services, the entity responsible for “D&S Political Action Committee”, appeared before the Registry on behalf of the PAC and presented testimony regarding this matter. Member Haynes moved to reconsider the civil penalty assessed in this matter. Member Golden seconded the motion, which was unanimously approved by roll call vote. After discussion among the members, Member Golden moved to waive the assessed civil penalty. Member Haynes seconded the motion, which was unanimously approved by roll call vote with Member Lawless abstaining.

Roane County Republican Party PAC, Case No. 21-56: Counsel summarized the facts of this matter and the procedural history of the request for reconsideration. Darrin Mossing appeared before the Registry on behalf of the PAC and presented testimony regarding this matter. Member Lawless moved to reconsider the civil penalty assessed in this matter. Member Haynes seconded the motion, which was unanimously approved by roll call vote. After discussion among the members, Member Lawless moved to reduce the assessed civil penalty to \$250 to cover costs associated with this matter. Member Haynes seconded the motion, which was unanimously approved by roll call vote.

Tyson Foods, Case No. 21-60: Counsel summarized the facts of this matter and the procedural history of the request for reconsideration. Eli Glasser, Executive Counsel for Tyson Foods, and Ross Dunn, Senior Manager for Government Affairs for Tyson Foods, appeared before the Registry and presented testimony regarding this matter. Member Haynes moved to reconsider the civil penalty assessed in this matter. Member Lawless seconded the motion, which was unanimously approved by roll call vote. After discussion among the members, Member Morton moved to reduce the assessed civil penalty to \$250 to cover costs associated with this matter. Member Lawless seconded the motion. After additional discussion, the motion was unanimously approved by roll call vote.

Statements Submitted

Jamie Jackson (Sullivan Co.), Case No. 21-63: Counsel summarized the facts of this matter. Chairwoman Burcham-Dennis moved to assess a civil penalty of \$250. The motion was seconded by Member Lawless and unanimously approved by roll call vote.

Tre Stewart, Case No. 21-49: Counsel summarized the facts of this matter. Member Lawless moved to assess a civil penalty of \$250 to cover costs and expenses associated with this matter. The motion was seconded by Member Morton and unanimously approved by roll call vote.

Mark Vicars (Sullivan Co.), Case No. 21-64: Counsel summarized the facts of this matter. Member Lawless moved to assess a civil penalty of \$250. The motion was seconded by Member Haynes and unanimously approved by roll call vote.

Hickman County Democratic Party, Case No. 21-67: Counsel summarized the facts of this matter. Member Morton moved to assess a civil penalty of \$250. The motion was seconded by Member Lawless and unanimously approved by roll call vote.

Tennessee United, Case No. 21-69: Counsel summarized the facts of this matter. Member Morton moved to assess a civil penalty of \$5000. The motion was seconded by Member Lawless and unanimously approved by roll call vote.

Consideration of Civil Penalty Orders

Shannon Duncan (Coffee Co.), Case No. 21-61: Counsel summarized the facts and procedural history of this matter. Member Lawless moved to assess a civil penalty of \$5000. Member Morton seconded the motion, which was approved by roll call vote (5-1).

Doug Englen, Case No. 21-62: Counsel summarized the facts and procedural history of this matter. Mr. Englen appeared before the Registry and presented testimony regarding this matter. After discussion, Member Lawless moved to take no action in this matter. Member Haynes seconded the motion, which was unanimously approved by roll call vote.

Sheleah Harris (Shelby Co.), Case No. 21-44: Counsel summarized the facts and procedural history of this matter. Member Morton moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved by roll call vote.

Jean-Marie Lawrence, Case No. 21-45: Counsel summarized the facts and procedural history of this matter. Member Morton moved to take no action in this matter based upon information that Ms. Lawrence is now deceased. Member Fincher seconded the motion, which was unanimously approved by roll call vote.

Change TN, Case No. 21-65: Counsel summarized the facts and procedural history of this matter. Member Morton moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved by roll call vote.

Tennesseans for Truth in Politics, Case No. 21-68: Counsel summarized the facts and procedural history of this matter. Member Morton moved to assess a civil penalty of

\$10,000. Member Lawless seconded the motion, which was unanimously approved by roll call vote.

We Are Ready Nashville PAC, Case No. 21-70: Counsel summarized the facts and procedural history of this matter. Member Morton moved to assess a civil penalty of \$10,000. Member Lawless seconded the motion, which was unanimously approved by roll call vote.

Persons Subject to Possible Issuance of Show Cause Notice

Member Morton moved to take no action in each of the three following matters:

Duane Dominy
Akbari PAC
C5PAC

Member Haynes seconded the motion to take no action. The motion was unanimously approved by roll call vote.

Set date of Registry Board's next meeting

After a brief discussion, the Registry's next meeting was set to be scheduled for March 17, 2022 at 10:00 AM. The location of the meeting will be determined based on conference room availability.

Other Business

Annual Code of Conduct Policy Approval: Counsel requested that the Registry members review and approve the prepared annual Code of Conduct Policy that was provided to them at the meeting. Member Lawless moved to approve the Code of Conduct Policy as presented. Member Morton seconded the motion, which was approved by voice vote. The Members present also completed their Code of Conduct Disclosure Statement and provided these statements to Counsel.

Executive Session

Following the conclusion of the Registry's regular business, the Registry moved into executive session to discuss privileged information and topics related to ongoing litigation. This portion of the meeting was not open to the public and was not recorded.